

the summoning of grand and petit juries under this Act; and declaring an emergency."

S. B. No. 237, A bill to be entitled "An Act amending Chapter 9, Section 4, of the General Laws of the Second Called Session of the Forty-second Legislature of Texas; changing the time for holding District Court in the Counties of McCulloch, Brown, and Coleman, comprising the 35th Judicial District of Texas; validating all processes issued, bonds and recognizances made and all grand and petit juries drawn for a succeeding term of court before this Act takes effect and making them returnable to the next succeeding term of court in said counties as herein fixed; validating other processes issued and returned; authorizing the Judge of said Court to hold as many sessions of court in any term in any county as he may deem proper; providing for the apportionment of the cost of the salary of the official shorthand reporter of said district; providing for the time of taking effect of this Act; and declaring an emergency."

S. B. No. 158, A bill to be entitled "An Act to amend Section 9 and 15 of S. B. No. 270, Acts of the Regular Session of the Forty-sixth Legislature, so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, San Jacinto and Trinity Counties, and fixing the effective date of the beginning of such extension; and declaring an emergency."

S. B. No. 149, A bill to be entitled "An Act to prohibit the killing, capturing or taking possession of any wild fox in Fannin County for a period of two (2) years from and after the passage of this Act; prescribing a penalty for violation; and declaring an emergency."

S. B. No. 206, A bill to be entitled "An Act to amend Subdivision 84 of Article 199, of the Revised Civil Statutes of Texas, 1925, so as to change the length of the terms of District Court in Carson, Hutchinson, Hansford, Ochiltree, and Hemphill Counties, constituting the 84th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next terms of court in said counties and district, as herein fixed; to validate the summon-

ing of grand and petit juries under the present law so as to render them available in said counties under this Act; and declaring an emergency."

Adjournment

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m., Monday, March 22, 1943.

Senator Moore moved that the Senate recess to 2:00 o'clock p. m. today.

Question first recurring on the motion of Senator Martin yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—14

Brownlee	Martin
Bullock	Metcalfe
Graves	Ramsey
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York

Nays—12

Aikin	Moffett
Beck	Moore
Chadick	Morris
Cotten	Shivers
Lovelady	Stone
Mauritz	Sulak

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Senate, accordingly, at 12 o'clock m., adjourned until 10:00 o'clock a. m., Monday, March 22, 1943.

THIRTY-EIGHTH DAY

(Monday, March 22, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Lane
Beck	Lanning
Brownlee	Lovelady
Cotten	Martin
Graves	Mauritz
Hazlewood	Metcalfe
Jones	Moffett

Moore
Morris
Ramsey
Shivers
Stone

Sulak
Vick
Weinert
Winfield
York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 18, 1943, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Bullock was granted leave of absence for today on account of illness, on motion of Senator Mauritz.

Senators Fain, Formby, Kelley, Spears, and Lemens were granted leave of absence for today and indefinitely, on account of important business, on motion of Senator Metcalfe.

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Beck.

Report of Standing Committee

Senator Sulak submitted the following report:

Austin, Texas,
March 22, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health to whom was referred S. B. No. 310, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Senate Resolution 59

Senator Lane offered the following resolution:

Whereas, The Honorable Joe L. Hill of Henderson, Rusk County, Texas, a former distinguished Member of this body, is in the city of Austin, Texas; and

Whereas, The Honorable Joe L. Hill served the State and the Second Senatorial District and the people

with fervor and zeal, with honor and credit; and

Whereas, The Honorable Joe L. Hill is now in the Capitol; now, therefore, be it

Resolved by the Senate of the State of Texas, That the Honorable Joe L. Hill be extended the privileges of the floor during his visit, and address the Senate at this time.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

Senate Concurrent Resolution 35

Senator Metcalfe offered the following resolution:

S. C. R. No. 35, Recalling S. B. No. 237 from the Governor for correction.

Whereas, S. B. No. 237 has passed the Senate and the House of Representatives and has been sent to the Governor for his consideration; and

Whereas, It is desired to make some corrections on this measure; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we respectfully request the Governor to return this bill for correction.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

Message from the Governor

The following message from the Governor was received and was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
March 22, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be District Attorney of the 110th Judicial District to fill the unexpired term of Honorable John A. Hamilton, resigned:

Richard Stovall of Floydada, Floyd County.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Senate Resolution 60

(Brazos River Conservation and Reclamation District)

Senator Lovelady offered the following resolution:

Whereas, The Brazos River Conservation and Reclamation District was created by the Second Called Session of the Forty-first Legislature as an agency of the State of Texas pursuant to the provisions of Section 59a of Article XVI of the Constitution of the State of Texas; and

Whereas, At the Fourth Called Session of the Forty-third Legislature an Act was passed donating to the Brazos River Conservation and Reclamation District, for a period of twenty years all the net amounts of the current State ad valorem taxes collected in Austin, Brazoria, Burleson, Fort Bend, Grimes, Waller, Washington, Brazos, Milam and Robertson Counties, provided that such donation should not exceed the sum of \$309,000.00 each year; and

Whereas, The Act donating said funds to said District provides that such funds, as well as other revenues of the District, be used for the purpose of "the holding and/or operation of proper structure, dams, reservoirs, levees, and/or other engineering projects suitable for the control, insofar as practicable, of the recurrent, devastating floods in the valley of the Brazos river"; and

Whereas, Said Act further provides that all "net revenues" as defined in the Act shall be used first to repay obligations incurred in the building of structures to accomplish the purposes of the Act, and thereafter such "net revenues" shall be paid to the Treasurer of the State of Texas, and by him placed in the General Revenue Fund; and

Whereas, In the early part of 1941, the Possum Kingdom Dam was completed, and as an incident to the operation thereof, the Brazos River Conservation and Reclamation District had available at said dam a substantial amount of electric power which the Board of Directors thought best to sell; and

Whereas, In March 1941, the Brazos River Conservation and Reclamation District Board of Directors entered into some sort of contract

and agreement with a newly formed private corporation known as the Brazos River Transmission Electric Cooperative, Inc., a private corporation referred to by its sponsors as a "nonprofit" Corporation, under the terms of which said Brazos River Transmission Electric Cooperative, Inc., agreed to buy said power at a price and under conditions which could not have resulted in the payment of more than \$204,000.00 per year therefor; and said Brazos River Transmission Electric Cooperative, Inc., agreed to build transmission lines and distribute said power to fifteen REA Cooperatives, at a price of 7.64 mills per kwh, notwithstanding the fact that at said time the electric energy requirements of all fifteen REA's did not exceed an amount of \$40,000.00 annually, based on such a price as that proposed; and

Whereas, At the time of accepting said offer, the Board of Directors of the Brazos River Conservation and Reclamation District had before it a bona fide offer of a public utility to purchase said power at the dam for approximately \$288,000.00 per year, said public utility agreeing to obligate itself to serve the same fifteen REA Cooperatives as well as at least fourteen additional REA Cooperatives, at a price of 7.2 mills per kilowatt hour; and

Whereas, By accepting said offer of the Brazos River Transmission Electric Cooperative, Inc., the Brazos River Conservation and Reclamation District actually donated \$84,000.00 per year for twenty five (25) years to the Brazos River Transmission Electric Cooperative, Inc., that being the difference in cash between the two offers; and

Whereas, Two years have passed since said contract was made with the Brazos River Transmission Electric Cooperative, Inc., and up to this date it has actually paid the Brazos River Authority the sum of \$75,000.00, thereby making an actual loss to the Brazos River Authority up to this time of \$501,000.00, because of the acceptance of said offer, and up to this date the Brazos River Transmission Electric Cooperative, Inc., is actually serving only one REA and one other customer, the municipal system in the City of Garland, Texas; and

Whereas, Recently the Brazos River Transmission Electric Cooperative, Inc., has made an agreement selling the balance of the power not used to serve the two above named customers to a public utility for \$300,000.00 per year, delivery to be made at a point 17 miles from Possum Kingdom Dam, which agreement in effect transfers to the Brazos River Transmission Electric Cooperative, Inc., a "non-profit Corporation," approximately \$100,000.00 annually of a revenue from power incident to the operation of Possum Kingdom Dam, and rightfully belonging to the Brazos River Conservation and Reclamation District, and intended under the law to be used only to pay for structures already built, or those that should have been built in order to control the devastating floods of the Brazos river; and

Whereas, A number of lawyers, engineers, promoters, and other persons connected with the Brazos River Transmission Electric Cooperative, Inc., have benefitted to such an extent financially from the making of this contract that it seems reasonably clear that the effect of the entire arrangement, if not its original design, is to use the Brazos River Transmission Electric Cooperative, Inc., as a pipe line to drain off a large amount of the revenues of the Brazos River Conservation and Reclamation District which are being distributed by way of salaries and fees to persons connected in various ways with the said Brazos River Transmission Electric Cooperative, Inc.; and

Whereas, But for the improvident contract with the Brazos River Transmission Electric Cooperative, Inc., the Brazos River Conservation and Reclamation District would have been in a much better financial condition, and could have through their own resources procured the funds to build additional needed structures to control the flood waters of the Brazos river, and could have by this time provided adequate flood control to the citizens of the Brazos Valley; and

Whereas, The acceptance of the offer of the Brazos River Transmission Electric Cooperative, Inc., under the circumstances was such a gross disregard of the best interests of the State of Texas, and the Brazos River Conservation and Reclamation District

as to raise the question of whether or not such action resulted in actually defrauding the State, as well as violating the spirit and intent of the law, even though no such result may have been intended or contemplated by the Directors of the Brazos River Conservation and Reclamation District; and

Whereas, It is the duty of the Senate of the State of Texas to determine if any of the foregoing are in violation of law or contrary to public policy in order that remedial legislation may be passed, if such be needed; now, therefore, be it

Resolved by the Senate of the State of Texas:

A. That the Attorney General of the State be requested to investigate carefully the agreement between the Brazos River Conservation and Reclamation District and the Brazos River Transmission Electric Cooperative, Inc., with a view of determining if there are any legal grounds on which the State of Texas or the Brazos River Conservation and Reclamation District can cancel or set aside such agreement, or recover the losses to the State of the Brazos River Conservation and Reclamation District apparent under the arrangement now existing.

B. That the Lieutenant Governor be, and he is hereby authorized and directed to appoint a committee of five Members to investigate the Brazos River Conservation and Reclamation District and the Brazos River Transmission Electric Cooperative, Inc., concerning all of the foregoing in connection with sales, leases, contracts, fees, commissions, payments, etc., and such committee shall make its reports and recommendations to the Senate.

C. The committee shall make its own rules of evidence and procedure. Testimony taken shall be reduced to writing and a majority of such committee shall pass on all questions of evidence and procedure.

D. That such committee shall have the power to issue process for witnesses to appear and testify before such committee to hold hearings, to compel the attendance of witnesses, together with their books, and records, minutes, accounts, contracts, correspondence and all other documents and records, and such committee shall

have the power to cite and punish for contempt. Such committee shall have the authority to inspect, copy and photostat any records, books, accounts, contracts, minutes, correspondence and all other documents or files relating to or connected with the matters under investigation. Such committee shall have the power to administer oaths to witnesses and shall have all powers necessary to fully accomplish the purpose for which it is hereby created. Three Members of the committee shall constitute a quorum.

E. Witnesses in attendance before such committee under process shall be allowed the same mileage and per diem as is allowed witnesses before a grand jury in this State.

F. Such committee shall avail itself of the services of the Attorney General and his Assistants, the State Auditor, and the Department of Public Safety for aid and assistance, and the Attorney General shall advise, render opinions and represent the committee on request of the chairman or any three Members of such committee. The Director of the Department of Public Safety shall furnish investigators on request and likewise shall the State Auditor furnish auditors on such request. The committee may employ and compensate all necessary stenographers and reporters to keep a complete record of the proceedings of such committee.

G. The expenses provided for herein shall be paid out of the appropriation for mileage and per diem and contingent fund of the Forty-eighth Legislature or other fund appropriated by said Legislature for such purpose, upon sworn account of the person claiming same, when approved by the chairman of the committee; and sufficient money is hereby appropriated out of the mileage and per diem and Contingent Fund of said Forty-eighth Legislature to meet the payment of such per diem and expenses of the Members of said committee, witnesses, fees, salaries, and other expenses.

H. The Secretary of the Senate shall furnish a certified copy of this resolution to the Governor, the Attorney General, the State Auditor,

and the Director of the Department of Public Safety.

LOVELADY,
STONE,
SULAK,
LANNING.

The resolution was read.

Senator Aikin moved that the resolution be referred to the Committee on Nominations of the Governor.

The motion prevailed.

New Chairman, Vice Chairman and Member of Committee on Counties and County Boundaries

The President announced the appointment of Senator Graves as chairman of the Committee on Counties and County Boundaries and of Senator Shivers as a Member of said committee, and he designated Senator Lane as vice chairman of the committee.

Senate Bill 262 Re-referred

On motion of Senator Shivers, S. B. No. 262 was re-referred from the Committee on State Affairs to the Committee on Counties.

Report of Standing Committee

Senator Graves, by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 22, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred S. B. No. 286, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 55, Providing for purchase of portrait of Governor Coke R. Stevenson.

H. C. R. No. 56, Authorizing State of Texas to build a bridge across Brakes Bayou.

H. C. R. No. 67, Requesting the Governor to return H. B. No. 194 for further study and correction.

H. B. No. 635, A bill to be entitled "An Act directing officials charged with the duty of the assessment and collection of taxes in all counties in this State where the United States of America prior to January 1, 1943, took possession of certain lands in said counties under condemnation proceedings and acquired the beneficial title thereto, even though final payment was not made for the lands so taken prior to January 1, 1943, to omit said lands from the tax rolls for the year 1943, and not levy, assess and collect any taxes upon said lands for 1943, since the United States of America had the equitable and beneficial title to said land on January 1, 1943; and declaring an emergency."

H. B. No. 206, A bill to be entitled "An Act to amend Section 9 of H. B. No. 10, Chapter 67 of Fifth Called Session of the Forty-first Legislature providing for the insertion after the word 'department' the words 'State institutions' and repealing S. J. R. No. 26, Acts of the Forty-first Legislature, Regular Session."

H. B. No. 537, A bill to be entitled "An Act amending Article 3224, Revised Civil Statutes of Texas, 1925, so as to permit idiots and imbeciles who are afflicted with epilepsy to be admitted to the Abilene State Hospital; etc.; and declaring an emergency."

**Committee Substitute Senate Bill 155
Set as Special Order**

Senator Weinert asked unanimous consent that C. S. S. B. No. 155 be taken up as a special order immediately after disposition by the Senate of the unfinished business (C. S. S. B. No. 123).

There was no objection offered, and it was so ordered.

**Committee Substitute Senate Bill 123
on Passage to Engrossment**

(Unfinished Business)

The President laid before the Senate, as the unfinished business, on its passage to engrossment (the bill having been read second time on Thursday, March 18, 1943):

C.S.S.B. No. 123, A bill to be entitled "An Act providing for secret ballot,

repealing laws in conflict herewith, providing a savings clause; and declaring an emergency."

Senator Lanning offered the following amendment to the bill:

Amend S. B. No. 123 by adding a new Section as number 6 to read as follows:

"Sec. 6. That Article 3016 be amended to read as follows:

"Article 3016. Deposit and count—At the expiration of one hour after voting has begun, the receiving judges shall deliver ballot box No. 1 to the counting judges, who shall at once deliver in its place ballot box No. 2, which shall again be opened and examined in the presence of all the judges and securely closed and locked; and, until the ballots in box No. 1 have been counted, the receiving judge shall receive and deposit ballots in ballot box No. 2. Ballot box No. 1 shall, on its receipt by the counting judges, be immediately opened and the tickets taken out by one of them, one by one, when he shall read and distinctly announce while the ticket remains in his hand, the name of each candidate voted for thereon, which shall be noted on the tally sheets and shall then deliver the ballot to the other counting judge, who shall place the same in box No. 3, which shall remain locked and in view until the counting is finished, when said box shall be returned with the other boxes, locked and sealed, to the county clerk. Ballot boxes Nos. 1 and 2 shall be used by the receiving judge and the counting judge alternately, as above provided, however the ballot boxes shall not be delivered to the counting judge by the receiving judge except at intervals of one hour until the polls close."

And renumber the succeeding Sections accordingly.

(Senator Vick in the Chair.)

The amendment was adopted.

Senator Cotten offered the following amendment to the bill:

Amend S. B. No. 123 by adding a new Section to be properly numbered and to read as follows:

"That no person, except the elected chairman of such voting box, shall be permitted to aid or assist in any capacity in holding an election or be permitted to remain within the polling

place, who is related to any candidate seeking election in said election either by affinity or consanguinity within the third degree; provided, however, that nothing herein shall apply to relatives of candidates for State offices."

(President in the Chair.)

Senator Martin offered the following amendment to the amendment:

Amend amendment by adding thereto the following:

"Provided further that all persons appointed to act as clerks or to act in any capacity in holding an election as covered by this Act, with the exception of the elected chairman of such election box or precinct or district, shall be required to execute and file with the election judge where such person serves, an affidavit stating that such person is not related to any candidate within the prohibited degrees of kinship."

The amendment to the amendment was adopted.

Question then recurring on the amendment as amended, yeas and nays were demanded.

The amendment as amended was adopted by the following vote:

Yeas—17

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Cotten	Metcalf
Graves	Moffett
Hazlewood	Stone
Jones	Sulak
Lane	Winfield
Lanning	

Nays—6

Moore	Vick
Morris	Weinert
Shivers	York

Absent

Ramsey

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Senator Shivers offered the following amendment to the bill:

Amend S. B. No. 123, page 3 of printed bill by striking out in lines 27 and 28 the following:

"The official ballot shall erase or mark out all names he does not wish to vote for."

And by adding the following as a new Section to be known as Section 7-a between lines 57 and 58, page 3, printed ballot:

"Sec. 7a. In all elections for candidates for constitutional or statutory offices, which elections are held in this State under authority of State law, the voter shall indicate his choice by placing a check mark (v) or an 'X' (X) in a square on the official ballot to the left of the candidate's name. If the voter marks a greater number of squares than there are positions to be filled in the same office, his ballot insofar as such office is concerned shall be ineffective and shall not be counted; provided, however, that in all other cases the ballot shall be counted if the clear intention of the voter can be determined.

"Official ballots shall be prepared in accordance with the terms of this Act by placing a complete square or box at the left of each candidate's name.

"All laws, General or Special, inconsistent or in conflict with the provisions of this Act, are hereby expressly repealed in so far as the same is inconsistent or in conflict, it being the intention of the Legislature that the sole and exclusive means of showing for whom the voter votes is that as outlined in Section 1 of this Act."

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—10

Aikin	Morris
Brownlee	Ramsey
Lanning	Shivers
Lovelady	Stone
Mauritz	York

Nays—13

Beck	Moffett
Cotten	Moore
Graves	Mulak
Jones	Vick
Lane	Weinert
Martin	Winfield
Metcalf	

Absent
Hazlewood

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Question next recurring on the passage of the bill to engrossment, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—19

Aikin	Moore
Beck	Morris
Brownlee	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—5

Jones	Moffett
Lane	Vick
Metcalf	

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Address by Honorable Joe L. Hill

In accordance with S. R. No. 59, adopted today, the President appointed Senators Lane, Mauritz, and Ramsey to escort Hon. Joe L. Hill to the President's desk.

The committee performed the duty assigned it, and the President presented Honorable Joe L. Hill, who addressed the Senate.

Committee Substitute Senate Bill 123 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 123 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Brownlee
Beck	Cotten

Graves	Morris
Hazlewood	Ramsey
Lanning	Shivers
Lovelady	Stone
Martin	Sulak
Mauritz	Weinert
Metcalf	Winfield
Moffett	York
Moore	

Nays—3

Jones	Vick
Lane	

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—18

Aikin	Moore
Brownlee	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Lanning	Sulak
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Nays—6

Beck	Metcalf
Jones	Moffett
Lane	Vick

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 22, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 36, A bill to be entitled "An Act amending Article 524, Revised Penal Code of the State of

Texas, to define Sodomy and to fix the penalty therefor; etc., and declaring an emergency."

H. B. No. 43, A bill to be entitled "An Act validating, confirming, approving and legalizing all warrants heretofore authorized and issued by any County for the purpose of constructing a live stock and agricultural exhibition building within said County where such live stock and agricultural exhibition building has been constructed, and validating confirming, approving, and legalizing all bonds heretofore authorized for the purpose of funding and paying such warrents, providing that this Act shall not apply to any proceedings authorizing such warrants or bonds where the validity of either of such warrants or bonds is now being contested in any pending suit, and declaring an emergency."

H. B. No. 61, A bill to be entitled "An Act amending Article 5280 and 5282 of the 1925 Revised Civil Statutes of Texas as amended by Senate Bill 351, Acts of the 47th Legislature, Regular Session, 1941, providing for the recording of field notes, plats and other documents subject to being recorded in the county surveyor's records the issuance of certificate of facts and other certified copies of documents of record in the county surveyor's office; etc., and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act amending Article 1302, Chapter one of Title 32 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a new subdivision to be known as Subdivision 44a, providing for the formation of private corporations to own, lease, operate and manage hotels and tourist courts and to own the stocks, bonds and other securities of hotel and tourist court corporations, and declaring an emergency."

H. B. No. 72, A bill to be entitled "An Act to amend Articles 2112 and 2117 of the Revised Civil Statutes of 1925 prescribing the procedure for the securing of a jury; etc., and declaring an emergency."

H. B. No. 98, A bill to be entitled "An Act regulating the official ballot and requiring the county committee to print a minimum of four official ballots for each county for primary elections, otherwise as pursuant

to Article 3109, Revised Civil Statutes of Texas, differing only with respect to the office of county commissioner; etc., and declaring an emergency."

H. B. No. 99, A bill to be entitled "An Act authorizing the Commissioners' Court of any county in this State having a population of not less than eighty thousand (80,000) and not more than one hundred thirty-two thousand (132,000) according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile while on official business only; etc., and declaring an emergency."

H. B. No. 158, A bill to be entitled "An Act amending Article 3193h of Title 51, Chapter 2, of the Revised Civil Statutes of 1925, so as to provide for the length of time that a voluntary patient may remain in a State Hospital; etc., and declaring an emergency."

H. B. No. 187, A bill to be entitled "An Act providing all blind persons with 'Seeing-Eye' dogs shall be permitted on all common carriers for passengers in the State of Texas and providing there shall be no additional fare for such 'Seeing-Eye' dogs; etc., and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act amending Article 1583, Chapter 6, Title 18, of the Penal Code of Texas, 1925, as amended by Chapter 139, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 173, Acts of the Regular Session of the Forty-fifth Legislature, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand (25,000) inhabitants and in cities of more than thirty thousand (30,000) inhabitants; etc., and declaring an emergency."

H. B. No. 291, A bill to be entitled "An Act amending Article 57, Revised Civil Statutes of Texas, 1925, as amended; etc., and declaring an emergency."

H. B. No. 295, A bill to be entitled "An Act to amend Chapter 8, Title 93 of the laws of Texas pertaining to markets and warehouses and particularly to amend Article 5737, 5740 and 5742 of the Revised Civil Statutes of Texas by extending the scope

and purposes of such Act and authorizing cooperative associations to be organized for the purpose of producing, cultivating and caring for citrus groves in the State of Texas; etc., and declaring an emergency."

H. B. No. 314, A bill to be entitled "An Act validating consolidation of certain common school districts, independent school districts and consolidated independent school districts and county line school districts, both independent and common and consolidation of such districts wherein a majority of the voters of each of the affected districts approve such a consolidation at an election held for such purpose; etc., and declaring an emergency."

H. B. No. 316, A bill to be entitled "An Act to amend Section 13, of Chapter 478, of the Acts of the Regular Session of the Forty-fifth Legislature of Texas, so as to provide that a registered architect who has entered service in the United States Army, Navy, Marine Corps, or Coast Guard subsequent to October 1st, 1940, and who was at the time of his entry into said service or is now in good standing as a registered architect, shall have his name continued on the list of registered architects and shall be exempt from the payment of any further license fee during his service, as aforesaid, and until honorary discharge, and when honorably discharged from the service he shall be exempted from the payment of such fee for the then current fiscal year; etc., and declaring an emergency."

H. B. No. 324, A bill to be entitled "An Act to amend Article 6205, of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 69, Acts of the Regular Session of the Thirty-ninth Legislature, as amended by Chapter 153, Acts of the Regular Session of the Forty-first Legislature as amended by Chapter 82, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Chapter 262, Acts of the Regular Session of the Forty-second Legislature as amended by House Bill No. 651, Acts of the Regular Session of the Forty-fifth Legislature so as to provide that widows of Confederate Soldiers or sailors who have been bona fide residents of this State since January 1, 1928, and whose application shall hereafter be approved and who were married to such soldiers or sail-

ors prior to January 1, 1921, and who lived with such soldier or sailor continuously for at least nine (9) years immediately prior to the death of such soldier or sailor; etc.; and declaring an emergency."

H. B. No. 331, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission to sell one-tenth (1/10) acre of land situated in Kerr County, Texas, providing that abstracts or title insurance may be secure; etc., and declaring an emergency."

H. B. No. 336, A bill to be entitled "An Act to amend Section One, Chapter 16, Senate Bill No. 287, Acts of the First Called Session of the 39th Legislature so as to provide when there is any surplus remaining after the principal and the interest is fully paid on road bonds it may be used by the County Political Subdivision of the County or any Local District that has been or may hereafter be created for the purpose of construction, maintenance, and operation of certain roads and turn pikes or in the aid thereof as may be determined by the Commissioners Court; etc., and declaring an emergency."

H. B. No. 150, A bill to be entitled "An Act to amend Article 6954 of the Revised Civil Statutes of 1925, as same has been heretofore amended, so as to permit Stonewall County to have a stock law election; etc.; and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act providing for the protection of the game and fish resources of Walker County; etc.; and declaring an emergency."

H. B. No. 228, A bill to be entitled "An Act providing for the protection of the game and fish resources of San Jacinto County; etc.; and declaring an emergency."

H. B. No. 263, A bill to be entitled "An Act repealing Chapter 422, Acts of the Regular Session of the Forty-seventh Legislature; etc.; and declaring an emergency."

H. B. No. 292, Repealing Chapter 396, S. B. No. 491, Acts of the Regular Session of the Forty-fifth Legislature, which fixes a filing fee of candidates for Congress in certain counties; and declaring an emergency."

H. B. No. 297, A bill to be entitled "An Act for special fire fighting

equipment for Dallas County; etc.; and declaring an emergency."

H. B. No. 347, A bill to be entitled "An Act making it lawful to take, catch or kill gars at any season in McLennan County; etc.; and declaring an emergency."

H. B. No. 396, A bill to be entitled "An Act amending H. B. No. 794, Regular Session Forty-seventh Legislature, so as to provide for the taking of raccoon in Commissioners' Precinct No. 4 of Red River County; and declaring an emergency."

H. B. No. 429, A bill to be entitled "An Act to prohibit the killing, capturing, or taking possession of any wild fox in Lamar County for a period of five (5) years from and after the passage of this Act."

H. B. No. 457, A bill to be entitled "An Act providing for the control and management of the affairs of the Chappel Hill Independent School District in Madison County, Texas, to be vested in the County Board of School Trustees; etc.; and declaring an emergency."

H. B. No. 479, A bill to be entitled "An Act making it unlawful to take minnows from the waters of Trinity and Polk Counties, Texas, for purpose of sale, or for commercial purposes, or to transport minnows from Trinity and Polk Counties for purpose of sale, or to transport more than two hundred (200) minnows from Trinity and Polk Counties, or to have more than two hundred (200) minnows in any vehicle in Trinity and Polk Counties, providing a penalty; etc.; and declaring an emergency."

H. B. No. 480, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take or kill squirrels in Trinity and Polk Counties, Texas; etc.; and declaring an emergency."

H. B. No. 483, A bill to be entitled "An Act providing for a closed season on wild turkey in Archer County for a period of five (5) years; etc.; and declaring an emergency."

H. B. No. 510, A bill to be entitled "An Act to amend Section 18 of Chapter 137 of the Special Laws of the Regular Session of the Forty-second Legislature known as the Bexar County Road and Bridge Law, as amended by Chapter 44 of the

Special Laws of the Regular Session of the Forty-third Legislature, providing manner of expending and apportioning monies now on hand and coming into the Road and Bridge Fund of Bexar County, Texas; etc.; and declaring an emergency."

H. B. No. 519, A bill to be entitled "An Act providing a license and permit for fishing on Medina Lake; etc.; and declaring an emergency."

H. B. No. 572, A bill to be entitled "An Act amending H. B. No. 1000, Regular Session Forty-sixth Legislature, by inserting a new Section to be known as Section 1a, and amending Section 4 of said Act providing for the expenditure of funds collected thereunder, and by amending Section 5a of said Act to clarify the provision restricting the taking of turkey gobblers in the counties to which said Act applies; and declaring an emergency."

H. B. No. 582, A bill to be entitled "An Act for the purpose of better preserving the game and fish resources of Brazoria County by providing that the members of the county commissioners court of said county shall be the conservators of game in said county; etc.; and declaring an emergency."

H. B. No. 583, A bill to be entitled "An Act for the purpose of better preserving the game and fish resources of Goliad County by providing that the members of the county commissioners court of said county shall be the conservators of game in said county; etc.; and declaring an emergency."

H. B. No. 606, A bill to be entitled "An Act making it lawful to hunt wounded wild deer with one dog in Hardin County, during the open season of each year; and declaring an emergency."

H. B. No. 638, A bill to be entitled "An Act making it unlawful to kill or take wild deer or wild turkey in the Counties of Marion, Cass and Bowie for a period of five (5) years; etc.; and declaring an emergency."

H. B. No. 621, Regulating fishing in Kendall County.

H. B. No. 352, A bill to be entitled "An Act to amend Section 1, of Chapter 80, page 122, Acts of the Forty-second Legislature, Regular Session, as amended by Section 1, S. B. No.

462, Acts of the Forty-sixth Legislature, Regular Session, providing for the appointment and confirmation of members of the State Commission for the Blind; providing that the present members of said Commission should continue to hold office for the term to which they have been appointed and confirmed; etc.; and declaring an emergency."

H. B. No. 368, A bill to be entitled "An Act empowering the commissioners' court to create the office of Veterans County Service Office and authorizing the appointment by the commissioners' court of a Veterans County Service Officer and Assistant Veterans County Service Officers and other necessary personnel; etc.; and declaring an emergency."

H. B. No. 388, A bill to be entitled "An Act providing an open season for taking wild deer and squirrel in San Augustine and Sabine Counties; etc.; and declaring an emergency."

H. B. No. 398, A bill to be entitled "An Act to amend Section 4 of S. B. No. 165, Acts of 1931, Forty-second Legislature, page 280, Chapter 165, as amended by Acts 1937, Forty-fifth Legislature, page 405, Chapter 204, Section 1, and by Acts 1939, Forty-sixth Legislature, page 135, Section 1, so as to increase fees of filing reports of Loan and Brokerage Companies, and allowing commissioner for good cause shown to extend time for filing reports by such companies for not more than sixty days; and declaring an emergency."

H. B. No. 400, A bill to be entitled "An Act to amend Section 2 of S. B. No. 165, Acts of 1931, Forty-second Legislature; page 280, Chapter 165, as amended by Acts 1937, Forty-fifth Legislature, page 405, Chapter 204, Section 1, and by Acts 1939, Forty-sixth Legislature, page 135, Section 1, so as to change the method of computing examination fees of Loan and Brokerage Companies, providing for the deposit of such fees with the State Treasurer; and declaring an emergency."

H. B. No. 415, A bill to be entitled "An Act amending Section 19, Article 118-a, the Acts of 1933, Forty-third Legislature, page 550, Chapter 180, as amended by the Acts of 1935, Forty-fourth Legislature, page 556, Chapter 238, paragraph 1, requiring all citrus fruits purchased by weight

prior to packing to be weighed over public scales, and fixing the fees therefor; etc.; and declaring an emergency."

H. B. No. 428, A bill to be entitled "An Act fixing compensation of official shorthand reporters in all Judicial Districts composed of four counties and having a population of more than 116,200 and not more than 116,300 inhabitants according to the last preceding or any future Federal Census; etc.; and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act to amend Subsection 12 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, so as to change the time and terms of holding the 12th District Court in Grimes, Walker, Leon, Trinity, and Madison Counties, constituting the Twelfth Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 446, A bill to be entitled "An Act providing for the payment of salaries to certain county officers in all counties in this State having a population of not less than one hundred and forty thousand (140,000) nor more than two hundred and twenty thousand (220,000), according to the last preceding Federal Census or any future Federal Census; etc.; and declaring an emergency."

H. B. No. 458, A bill to be entitled "An Act making an appropriation of Five Hundred Fifty (\$550) Dollars, or so much thereof as may be necessary, to pay a certain judgment rendered on February 15, A. D. 1943, in the One Hundred Twenty-sixth District Court of Travis County, Texas, in cause No. 67,829, wherein W. L. Priddy is plaintiff and the State of Texas is defendant, for the principal sum of Five Hundred (\$500) Dollars with interest at the legal rate of six (6) per cent per annum from the date of said judgment until paid, and all costs of suit, of which costs there is a balance due of Five Dollars Eighty-five Cents (\$5.85), and providing further that the Comptroller of the State of Texas be directed to issue warrant to pay said judgment to the party herein named in payment of the same and the amount specified herein; and declaring an emergency."

H. B. No. 475, A bill to be entitled "An Act defining the phrase 'blind person'; etc.; and declaring an emergency."

H. B. No. 508, A bill to be entitled "An Act to further amend Section 18, Chapter 41, Acts of the Fortieth Legislature, First Called Session, as amended by H. B. No. 614, Acts of the Regular Session of the Forty-sixth Legislature, and as amended by H. B. No. 974, Acts of the Regular Session of the Forty-seventh Legislature, by adding thereto a Subsection to be known as Subsection 18a; etc.; and declaring an emergency."

H. B. No. 564, A bill to be entitled "An Act providing a special license for those who trap beaver or otter outside the county of their residence; etc.; and declaring an emergency."

H. B. No. 298, A bill to be entitled "An Act amending Subsection 110, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 85, Chapter 14, Acts of the Regular Session of the Forty-first Legislature, changing the time and term of holding the 110th Judicial District Court in Briscoe, Floyd, Motley, and Dickens Counties, constituting the 110th Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 603, A bill to be entitled "An Act providing that in and for Fayette County, Texas there shall be imposed upon all male persons who do not reside in an incorporated city, town, or village the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May 1st of each year the sum of Three (\$3) Dollars; etc.; and declaring an emergency."

H. B. No. 426, A bill to be entitled "An Act making it the duty of the county superintendent to deduct from the salary of each teacher or employee of common school districts or other school districts under his jurisdiction the so-called Federal Victory Tax and or other taxes levied by the Federal Government upon salaries, such deductions to be made from the per capita apportioned moneys or from other funds available for payment of such salaries and to be placed in a common fund in the county depository, and to be forwarded to the proper Federal authorities when the tax or taxes are due; etc.; and declaring an emergency."

H. C. R. No. 69, Relating to a compact between Oklahoma and Texas.

H. C. R. No. 28, Granting Alva W. Templeman permission to sue the State of Texas.

H. C. R. No. 68, Requesting employees and members of the Department of Public Safety of the State of Texas to assist in enforcement of the national war-time speed limit.

The House has refused to concur in Senate amendments to H. B. Nos. 159 and 197 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Conferees on H. B. No. 159: Ben Sharpe, chairman; Charley Figg, vice chairman; Cecil Rhodes, McMurtry, and Gorden Davis.

Conferees on H. B. No. 197: Herbert Brawner, chairman; Jim Goodman, vice chairman; Ben Sharpe, Pete Harris, and Mervyn Ramsey.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Committee Substitute Senate Bill 155 on Second Reading

The President laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

C.S.S.B. No. 155, A bill to be entitled "An Act to amend Subdivision 23 of Article 1995 of the Revised Civil Statutes of the State of Texas, 1925, so that the same shall provide that the venue of suits against a private corporation, association or joint stock company, shall be in the county where such corporation, association or joint stock company has its principal office, or in any county in which the cause of action or a part thereof arose; and further providing that the venue of suits against a railroad corporation or against any assignee, trustee or receiver operating its railway shall be in any county through or into which the railroad of such corporation extends or is operated; and further providing that suits against receivers of persons and corporations may also be brought as otherwise provided by law; and declaring an emergency."

The bill was read second time.

Senator Shivers offered the following amendment to the bill:

Amend S. B. No. 155 by adding a new paragraph to read as follows:

"This Act shall not affect any pending litigation. This Act shall take effect January 1, 1944."

And amend the caption to conform.

The amendment was adopted.

The bill was passed to engrossment.

Committee Substitute Senate Bill 155 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 155 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Moffett, Metcalfe, Sulak, and Vick asked to be recorded as voting "nay" on the passage of the bill.

Request Granted for Conference Committee on House Bill 159

Senator Aikin called up from the President's table for consideration at this time, the request of the House for a conference committee on H. B. No. 159.

Senator Aikin moved that the request of the House be granted.

The motion prevailed.

Senator Moore moved to reconsider the vote by which the request of the House was granted.

Yeas and nays were demanded, and the motion to reconsider was lost by the following vote:

Yeas—8

Brownlee	Metcalf
Cotten	Moore
Graves	Weinert
Lanning	Winfield

Nays—16

Aikin	Moffett
Beck	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Request Granted for Conference Committee on House Bill 197

Senator Aikin called up from the President's table, for consideration at this time, the request of the House for a conference committee on H. B. No. 197.

Senator Aikin moved that the request of the House be granted.

The motion prevailed.

Adjournment

Senator Lanning moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Morris moved that the Senate recess to 2:30 o'clock p. m. today.

(President pro tempore Mauritz in the Chair.)

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Brownlee	Jones
Cotten	Lane

Lanning	Vick
Martin	Winfield
Moffett	York

Nays—11

Aikin	Moore
Beck	Morris
Graves	Shivers
Lovelady	Stone
Mauritz	Sulak

Absent,

Hazlewood	Weinert
Ramsey	

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Question next recurring on the motion to recess, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Aikin	Graves
Beck	Mauritz

Metcalf	Shivers
Moore	Stone
Morris	Sulak

Nays—11

Brownlee	Martin
Cotten	Moffett
Jones	Vick
Lane	Winfield
Lanning	York
Lovelady	

Absent

Hazlewood	Weinert
Ramsey	

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Senator Winfield moved that the Senate adjourn until 10:05 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:35 o'clock p. m., adjourned until 10:05 o'clock a. m. tomorrow.

In Memory of
Hon. Rufus Hardy

(Senate Resolution 58)

Senator Cotten offered the following resolution:

Whereas, On March 13, 1943, Hon. Rufus Hardy of Corsicana passed away at his home in that city; and

Whereas, The greater part of Judge Hardy's life was devoted to public service, he having served four years as County Attorney of Navarro County, four years as District Attorney, eight years as District Judge. He voluntarily retired from the bench in 1896. In 1907 he was elected to Congress from the Sixth Congressional District and served for sixteen years, and again voluntarily retired; and

Whereas, Judge Hardy was a man of courage and was ever ready to prosecute his convictions. He was courteous and true, and his passing is a distinct loss to his community, to his State and to the Nation; now therefore, be it

Resolved, That the Senate of Texas express to the family of Judge Hardy our deepest and sincerest sympathy in this hour of their great sorrow.

That a copy of this resolution be sent to the members of Judge Hardy's family and when the Senate adjourns today, it do so in honor of the memory of this distinguished citizen.

COTTEN.

The resolution was read and was adopted unanimously.

In Memory of

Will Rayburn

Senate Resolution 61)

Senator Jones offered the following resolution:

Whereas, Will Rayburn of Bonham, Fannin County, Texas, has answered the call of our Supreme and Almighty Maker; and

Whereas, Mr. Rayburn was a member of an outstanding family, not only in Fannin County, but in the State of Texas, and has continually been active throughout his years in political activities, especially those concerning his brother, Honorable Sam Rayburn, Speaker of the National House of Representatives, thereby rendering a great service to this State and this Nation; and

Whereas, He has been an outstanding farmer and rancher in this State, having been active in every progressive enterprise that might forward the agricultural industry in this State; and

Whereas, He was a former Deputy United States Marshal under Judge Randolph Bryant of Sherman and filled that position with honor; and

Whereas, He was a distinguished Texan in every respect, having friends throughout the entire Southwest; and

Whereas, He was an exemplary citizen and by his innumerable good qualities will leave with his fellow citizens a memory that he has been a true American, and he will be missed by his many friends who hold him in the highest esteem and honor; and

Whereas, It is fitting and proper that the Senate of Texas pay tribute to such a worthy gentleman and that they extend sympathy to his bereaved family; now, therefore, be it

Resolved by the Senate of the State of Texas, That the Members acknowledge the passing of this outstanding citizen by ordering a copy of this resolution spread on the pages of the Senate Journal in expression of our thankfulness for his life of service and in expression of our sympathy to his loved ones; that the Secretary of the Senate send a copy of this resolution to the members of his bereaved family.

JONES,
COTTEN.

The resolution was read and was adopted unanimously.